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27195	7590	12/14/2007	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			TECKLU, ISAAC TUKU	
			ART UNIT	PAPER NUMBER
			2192	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/824,969

Applicant(s)

HARRY ET AL.

Examiner

Isaac T. Tecklu

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to the application filed on 09/27/2007.
2. Claim 1 has been amended and claim objection has been withdrawn.
3. Claims 1-40 have been reexamined.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 18, and 21-27 recite "computer-readable medium" defined to include communication media (in page 16, lines 25-31). Thus, under the Interim Guidelines such media do not fall within one of the four statutory classes of 35 U.S.C. 101 (See Annex IV). Therefore, the above claims are non-statutory.

A computer-readable media is a tangible physical article or object, some form of matter, which a signal (infrared)/carrier wave is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal/carrier wave, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal/carrier wave does not fall within one of the four statutory classes of Sec. 101.

See Annex IV (c) Electro-Magnetic Signals, Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed October 26, 2005) – OG Cite: 1300 OG 142. Online version can be retrieved at

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Under the principles of compact prosecution, claims 18 and 21-27 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC 101 issues. For example, A computer-readable physical storage medium...-

Claims 22-27 are rejected for failing to cure the deficiencies of the above rejected non-statutory claim 21 above.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9, 11-23 and 25-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US 2005/0091226 A1).

Per claim 1 (Currently Amended), Lin discloses a system that facilitates source code control (e.g. FIG. 1 and related text), comprising a client control component of a client that tracks an activity associated with a modification of a source code file when the client is in an[[d]] offline mode (paragraph [0007] "... online-offline..." and paragraph [0012] "... any file modified or manipulated by the client while disconnected from the remote server can be stored and uploaded to the server when the client regains its connection to the server ..." and paragraph [0034], paragraph [0084] "... user retains a consistent view of the file after transitioning online ... even when the files have been modified locally ..." and paragraph [0325] "... and e.g. FIG. 12, step 1210 and related text), and transmits the activity during an update process when the client moves to an online mode (e.g. FIG. 12, step 1230 and related text).

Per claim 2, Lin discloses the system of claim 1, further comprising:  
a cache that stores the source code file (e.g. FIG. 1, CACHE 150 and related text); and  
a list that stores the activity, which activity is a command executed during the offline mode and associated with the modification (paragraph [0043] "... store them on a list..." and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ..." and e.g. FIG. 2, 236 and related text).

Per claim 3, Lin discloses the system of claim 2, the source code file stored in the cache remains in an unmodified state (in paragraph [0071] "... writes are cached until the op-lock is broken ...").

Per claim 4, Lin discloses the system of claim 2, contents of the cache are maintained in both the offline mode and online mode of the client (in paragraph [0086] "... cache can be stored in the cache while offline ...").

Per claim 5, Lin discloses the system of claim 1, the client stores all source code files that have been at least one of modified and deleted (e.g. TABLE 2 and related text).

Per claim 6, Lin discloses the system of claim 1, the source code file is transmitted to the client before the client moves to the offline mode (e.g. FIG. 12, step 1230 and related text).

Per claim 7, Lin discloses the system of claim 1, the activity is reconciled to a server source code file that is updated according to the activity (e.g. TABLE 3, "resolve conflict" and related text).

Per claim 8, Lin discloses the system of claim 1, the client stores at least one of the source code file in an unmodified state, pending change set data, a file type definition, and a site-specific help file (e.g. FIG. 4 and related text).

Per claim 9, Lin discloses the system of claim 1, an error is resolved during a reconciliation process of the activity to the source code file before the source code file can be updated with the modification (paragraph [0070] "... error is returned ...").

Per claim 11, Lin discloses the system of claim 1, the source code file is downloaded into a client workspace before the client moves to the offline mode (e.g. FIG. 11, step 1120 and 1130 and related text).

Per claim 12, Lin discloses the system of claim 1, a pristine copy of the source code file is automatically loaded into a client cache in response to a checkout-related command being executed (paragraph [0071] "... checks if there is any cached data from a previous write request on this file ... sends back the only sections with the modified data ..." e.g. FIG. 11, 1120 and related text).

Per claim 13, this is another system version of the claimed system discussed above (Claim 2), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 14, this is another system version of the claimed system discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 15, this is another system version of the claimed system discussed above (Claim 41), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 16, Lin discloses the system of claim 13, the activity list stores a plurality of activities associated with corresponding commands executed against the source code file, when the client is in an offline mode (paragraph [0043] "... store them on a list..." and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ..." and e.g. FIG. 2, 236 and related text).

Per claim 17, Lin discloses the system of claim 13, the activity is persisted to a server to update a server source code file associated with the source code file during an update process associated with the online mode (paragraph [0012] "... any file modified or manipulated by the client while disconnected from the remote server can be stored and uploaded to the server when the client regains its connection to the server ..." and paragraph [0084] "... user retains a consistent view of the file after transitioning online ... even when the files have been modified locally ..." and paragraph [0325] "... and e.g. FIG. 12, step 1210 and related text).

Per claim 18, this is computer readable medium version of the claimed system discussed above (Claim 13), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.



Per claim 19, this is computer version of the claimed system discussed above (Claim 13), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 20, Lin discloses the system of claim 13, further comprising a classifier that automates a source code control feature by making an inference based on data associated with at least one of the online mode and an offline mode (paragraph [0033] "... classifiers can be employed ...").

Per claim 21, this is computer readable medium version of the claimed system discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 22, this is computer readable medium version of the claimed system discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

22. The method of claim 21, further comprising executing one or more commands on the client during the offline mode to facilitate caching of a pristine version of the copy (paragraph [0034] "... cached copy of a file ...").

Per claim 23, Lin discloses the method of claim 21, further comprising caching a pristine version of the copy in response to making the modification to the source code file on the client (paragraph [0034] "... cached copy of a file ...").

per claim 25, Lin discloses the method of claim 21, further comprising resolving a conflict between a command executed during modification of the copy and the remote source code file during the update process (paragraph [0034] "... copy of file ...").

Per claim 26, this is the method version of the claimed system discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 27, Lin discloses the method of claim 21, further comprising transmitting a modified source code file to the remote location after the activity data has been reconciled to the remote source code file (e.g. TABLE 3, "resolve conflict" and related text).

Per claim 28, Lin discloses a method of facilitating source code control, comprising:  
moving a copy of a remote source code file of a server to a client workspace of a client (paragraph [0034] "... cached copy of a file ...");

caching the copy in a client cache in response to a modification of the copy, which modification is one of a plurality of modifications (e.g. FIG. 12, 1220 and related text);

storing activity data on the client during an offline mode, which activity data is associated with the plurality of modifications made to the copy (paragraph [0043] "... store them on a list..." and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ..." and e.g. FIG. 2, 236 and related text); and

transmitting the activity data to the server during an online mode to update the remote source code file during an update process (e.g. FIG. 12, 1230 and related text).

Per claim 29, Lin discloses the method of claim 28, further comprising storing information at the client before entering the offline mode (e.g. FIG. 12, 1230 and related text).

Per claim 30, Lin discloses the method of claim 28, further comprising updating a checkout record at the server during the online mode (e.g. FIG. 13, 1310 and related text).

Per claim 31, Lin discloses the method of claim 28, further comprising issuing a command to enter the offline mode, and a corresponding command to enter the online mode (e.g. FIG. 12, 1230 and e.g. FIG. 13, 1310 and related text).

Per claim 32, Lin discloses the method of claim 28, further comprising issuing a command that includes a URL to a workspace (e.g. FIG. 13 and related text).

Per claim 33, Lin discloses the method of claim 28, further comprising at least one of: checking out the copy during the act of moving, which is during the online mode; and checking

out the copy from a client workspace during the offline mode (paragraph [0071] "... checks if there is any cached data from a previous write request on this file ... sends back the only sections with the modified data ..." e.g. FIG. 11, 1120 and related text).

Per claim 34, Lin discloses the method of claim 28, further comprising: detecting an error during the offline mode (paragraph [0070] "... error is returned ..."); presenting an error message associated with the error (paragraph [0070] "... error is returned ..."); maintaining the client in the offline mode in response to detecting the error (paragraph [0093] "... viewing the offline store ..."); and allowing the client to move to the online mode after the error has been resolved (paragraph [0045] "... check the file access ... allow the request ...").

Per claim 35, Lin discloses the method of claim 28, further comprising imposing permissions required for the offline mode, during the online mode (paragraph [0045] "... check the file access ... allow the request ...").

Per claim 36, Lin discloses the method of claim 28, further comprising caching at the client at least one of unmodified files, pending change set information, file type definitions, and site-specific help files (e.g. FIG. 4 and related text).

Per claim 37, Lin discloses the method of claim 28, further comprising reapplying a checkout process to the server when at least one of the checkout was cancelled at the server

Art Unit: 2192

when the client was offline and a checkout was performed offline on the client after the copy was downloaded to the client without the checkout process issued to the server during the online mode (paragraph [0045] "... check the file access ... allow the request ...").

Per claim 38, this is system version of the claimed method discussed above (Claim 28), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 39, this is system version of the claimed method discussed above (Claim 29), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 40, Lin discloses the system of claim 38, further comprising means for resolving an error during reconciliation of the command data to the server, before uploading the modified version of the copy to the server (paragraph [0070] "... error is returned ..." and e.g. TABLE 3, "resolve conflict" and related text).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 2005/0091226 A1) in view of Leherbauer (US 2003/0033590 A1).

Per claims 10 and 24, Lin does not explicitly disclose disallowing at least one of a portion and all of the activity data if an error is detected during the update process. However, Leherbauer discloses Typically, files are located in a repository that is directly accessed by the version control tool. The file may be "checked out" of the repository by a developer, and changes may then be made to the file before it is checked back in. While the file is checked out in a locked state, other members of the development team may not make changes to it (as it give error, hence disallowing the activities in paragraph [0003]). Therefore it would have been obvious to one skilled in the art at the time of the invention was made to combine Lin and Leherbauer to helps manage information about who check out the document, when, and what changes were made and allow for the developer to save comments describing his changes and may assign a new name or version number to the file as once suggested by Leherbauer (in paragraph [0003]).

*Response to Arguments*

10. Applicant's arguments filed 09/27/2007 have been fully considered but they are not persuasive.

In the Remark, the Applicant argues:

The rejection of claims 18 and 21-27 under 35 U.S.C 101 is improper (page 8).

Examiner's Response:

In response to Applicant's arguments directed to the rejection of claims under 35 U.S.C 101 (Remarks, pages 11-14), examiner notes that any judgment on the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (1300 OG 142) is fully outside the examiner's purview.

In the Remark, the Applicant requests:

Lin et al. fails to disclose or suggest each and every element of the claimed subject matter (page 11).

Examiner's Response:

Applicant's arguments fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references. The argument is therefore not persuasive.

In the Remark, the Applicant requests:

Lin et al. is silent about a client that tracks activities associated with the modification of a source code file when the client is in offline mode, and transmits the activities during an update process when moved into online mode (page 12).

Examiner's Response:

The Examiner respectfully traverses. Lin et al. discloses tracking activities associated with the modification of a source code file when the client is in offline mode, and transmitting the activities during an update process when moved into online mode (in paragraph [0007], [0034] and FIG. 13). For instance, the cited paragraph [0007] among others discloses a novel client side caching (CSC) infrastructure which facilitates a seamless operation across connectivity states (e.g., online-offline) between client and remote server. More specifically, a persistent caching architecture is employed to safeguard the user (e.g., client) and/or the client applications across connectivity interruptions and/or bandwidth changes. This is accomplished in part by caching the desirable file(s) together with the appropriate protocol information to a local (e.g., client) data store. Such information includes object access rights and share access rights which correspond to the file or group of files being cached. Paragraph [0034] describes systems and methods that facilitate client side caching and truth on client persistent caching. Client side caching provides off-line access to files and/or other data when the network version



Art Unit: 2192

of the file is otherwise unavailable due to a network outage or intentional disconnection. It also can increase server scalability while connected to the network by reducing file operations directed at remote servers. By the employment of the present invention, a client can access the cached copy of a file using the same file name and with the same namespace as when the client is connected to the network. Thus, the client may not even be aware that a temporary disconnection from the network (e.g., remote server(s)) is occurring since access to and/or modification of one or more files has not been interrupted (emphasis added). Furthermore FIG. 12, step 1210 vividly illustrates the activities of modification conducted on the file (source file) under offline mode.. In addition to the above FIG. 12, step 1230 shows the transmitting activities during an update process when moved into online mode. Here when the user is connected to the network the process of pushing the client version files proceeds.

Therefore, it is maintained that the prior art does disclose that the tracking activities associated with the modification of a source code file when the client is in offline mode, and transmitting the activities during an update process when moved into online mode.

In the Remark, the Applicant requests:

Leherbauer does not make up for the aforementioned deficiencies of Lin et al. with respect to independent claim 1 and 21. Therefore, the claimed invention as recited in claims 10 and 24 is not obvious over the combination of Lin et al. and Leherbauer (page 13).

Examiner's Response:

Applicant's arguments fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The argument is therefore not persuasive.

### *Conclusion*

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac T. Tecklu whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

Art Unit: 2192

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**

Isaac Tecklu

Art Unit 2192